

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

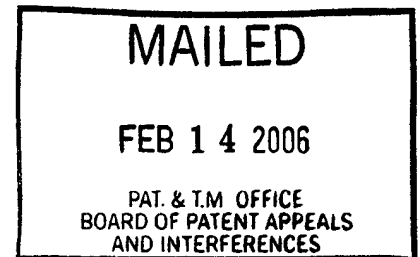
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JUSTIN CHICKLES and RAGHAVENDRA GURURAJ

Appeal No. 2006-0361
Application 09/752,654

ON BRIEF



Before THOMAS, RUGGIERO, and NAPPI, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's rejection of claims 73 through 76, 78 through 120, 122 through 144 and 146 through 158, the pending claims having been twice rejected.

Representative claim 73 is reproduced below:

73. A computer-implemented method for navigating among a hierarchy of palette windows in a graphical user interface displayed on a computer system, wherein the computer system includes a display, the method comprising:

displaying on the display a first palette window from the hierarchy of palette windows, wherein one or more of the palette windows in the hierarchy comprise palette items that are selectable by a user, wherein each of the palette items is selectable by the user to include functionality in a program being created or modified, wherein one or more of the palette windows comprise a palette window selection item, wherein the palette window selection item is selectable by the user to display a second palette window from the hierarchy of palette windows, and wherein the first palette window includes one or more navigation items displayed on the first palette window for navigating among the hierarchy of palette windows;

receiving user input selecting a navigation item displayed on the first palette window;

closing the first palette window in response to said receiving user input selecting the navigation item; and

displaying at least one of a parent palette window or a child palette window in relation to the first palette window in the hierarchy of palette windows in response to said user input selecting the navigation item.

The following references are relied on by the examiner:

Filepp et al. (Filepp) 5,758,072 May 26, 1998

Appellant's Admitted Prior Art (hereinafter "AAPA"), pages 1-3 and Figures 4A, 4B and 4C.

Gavron et al. "How to Use Microsoft Windows NT 4 Workstation", 1996, pages 7, 40-41.

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All claims on appeal stand rejected under 35 U.S.C. § 103. As to claims 73 through 76, 78 through 80, 82 through 84, 86, 87, 95 through 101, 103 through 113, 117 through 120, 122, 124, 128 through 140, 143, 144, 146, 149, 151 and 153 through 158, the examiner relies upon Appellants' admitted prior art in specification figures 4A through 4C (discussed at specification page 1, line 22 through page 3, line 22) in view of Filepp. This rejection is extended to claims 81, 85, 88 through 94, 102, 114 through 116, 123, 125 through 127, 141, 142, 147, 148, 150 and 152 by the addition of Gavron.

Rather than repeat the positions of the appellants and the examiner, reference is made to the brief and reply brief for appellants' positions, and to the answer for the examiner's positions.

OPINION

Essentially for the reasons generally set forth by appellants in the brief and reply brief, we reverse the rejections of all claims on appeal under 35 U.S.C. § 103.

In reaching this conclusion, we note that each of independent claims 73, 95, 104, 117, 128, 136, 143, 149, 151 and 153 in some manner recites the reception of a user input selecting a navigation item displayed on a first palette window, followed by the closing of this window in response to this user input and also displaying another window in response to this user input selection. The focus of the arguments between the examiner and appellants is on the closing feature, where an existing window is closed once a user selects from among a plurality of input selections on this window.

Each of the respective rejections associated with each of these earlier-noted independent claims relies upon appellants' admitted prior art in figures 4A through 4C, the discussion of which recognizes that this submitted prior art differs from the features of the present claims by failing to teach that a first palette window is closed subsequent to the reception of an user's input selecting a navigation item. The examiner urges that it would have been obvious for the artisan to have utilized the Next 291 navigation button of figure 3b of Filepp which, in examiner's view, causes the closing of the current page any the display of the next page. As to some of the independent claims, the examiner also relies upon the teaching at column 49, lines 39

through 81, that a user selection of a close command can trigger the system to perform both tasks of closing a current window and opening another window, as expressed initially at page 10 of the answer.

Since there is little dispute that the admitted prior art fails to teach the closing capability of the claims on appeal, our detailed study of Filepp lead us to conclude that it would not have been obvious for the artisan to have incorporated the closing capability that exists in Filepp into the system of the admitted prior art. Figure 3a is a generic version of the figure 3b relied upon by the examiner. The corresponding discussion of these figures in Filepp does not indicate that which the examiner asserts figure 3 teaches. In reaching this conclusion we note the discussion of figure 2 as a basis for this showing in figure 3 at the bottom of column 8; the teaching at column 14, lines 8 through 14 relating to window objects; the general discussion of the operation of the system at column 69 through the top of column 71; and the example of figure 3b beginning at the bottom of column 89. It appears to us that none of the figures other than those relied upon by the examiner illustrate the close

and open window feature upon the user selecting a new window display item. This is illustrated as well in figure 11 discussed beginning at column 73, line 45, which, upon close analysis, appears to teach the opposite of what the examiner urges that Filepp would have suggested or taught to the artisan.

The so-called closed window command is discussed at column 49, lines 25 through 57. This portion does indeed teach what the examiner asserts, that this special close window command may, optionally, include an object identifier of a new window to be opened after the closing of a currently opened window.

From all these teachings of Filepp, a more expansive view as determined by our study of this reference does not lead us to conclude that it would have been obvious for the artisan to have used these capabilities to otherwise change, modify or improve the operability of the window-based system of the admitted prior art of appellants' specification. A general argument of improving or enhancing a program execution efficiency at the bottom of page 10 of the answer, as an example, is a generic argument that appears to be based upon a hindsight analysis rather than upon a consideration of the any sound rationale

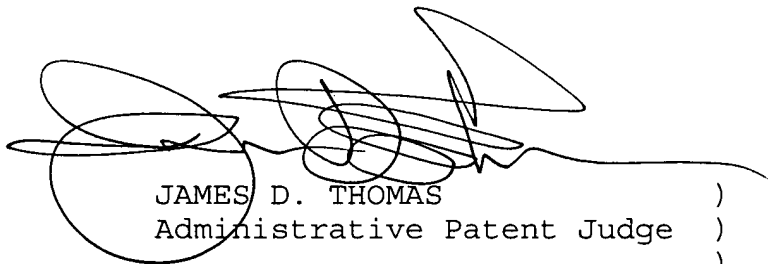
prospectively motivating the artisan to alter the system of the admitted prior art. As noted earlier, even though Filepp has the capability to perform the questioned function of closing an open window when a subsequent window is opened, there is no example in Filepp that we could determine from our study of this reference that actually utilizes the capability. Furthermore, there is no stated advantage in Filepp to do so. As such, there is no true suggestibility within 35 U.S.C. § 103 for the artisan to have altered the system of the admitted prior art.

Since we have reversed the rejection of each respective independent claim on appeal, we therefore also reverse all rejections of each of their respective dependent claims.

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In view of the foregoing, the decision of the examiner
rejecting all claims on appeal under 35 U.S.C. § 103 is reversed.

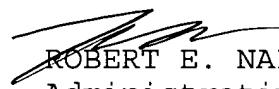
REVERSED



JAMES D. THOMAS
Administrative Patent Judge)



JOSEPH F. RUGGIERO
Administrative Patent Judge)



ROBERT E. NAPPI
Administrative Patent Judge)

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